

FRANK O. CROSTHWAIT, JR.,  
SUBSTITUTED TRUSTEE

TO

JOHN HANCOCK MUTUAL LIFE  
INSURANCE COMPANY

SUBSTITUTED TRUSTEE'S DEED

WHEREAS, on August 19, 1980, D & D JOHNSON, INC., a Mississippi corporation, executed a deed of trust to GENE A. AUSTIN, Trustee for the use and benefit of JOHN HANCOCK MUTUAL LIFE INSURANCE COMPANY, a Massachusetts corporation, to secure an indebtedness therein referred to and conveyed to said trustee the property therein described, and hereinafter described as shown by said deed of trust recorded in Deed of Trust Book 262, at page 563, of the records in the office of the Chancery Clerk of the DeSoto County, Mississippi; and

WHEREAS, on November 25, 1981, JOEL P. WALKER was appointed as Substituted Trustee in the place and stead of the original Trustee, GENE A. AUSTIN under the above Deed of Trust by instrument recorded in the office of the Chancery Clerk of DeSoto County, Mississippi in Book 279, at page 79; and

WHEREAS, the undersigned FRANK O. CROSTHWAIT, JR., was duly and legally substituted as trustee in said deed of trust in the place and stead of the substituted trustee, JOEL P. WALKER, which substitution instrument is dated March 8, 1983, and recorded in Book 294, page 473, of the records in the office of the Chancery Clerk of DeSoto County, Mississippi, and said substitution filed for record and duly recorded and spread on the records of said Chancery Clerk prior to the date, posting and publication of the Notice of Sale; and

WHEREAS, the automatic stay of the Bankruptcy Code was lifted by Order dated September 22, 1983, in the United States Bankruptcy Court for the Northern District of Mississippi in Cause No. E83-20076, and Adversary Proceeding No. 83-2134, the debtor not having brought current its 1983 past due payment of principal, interest and expenses to JOHN HANCOCK MUTUAL LIFE INSURANCE COMPANY; and

WHEREAS, default has been made in the payment of said indebtedness secured by said deed of trust and the said JOHN HANCOCK MUTUAL LIFE INSURANCE COMPANY, the owner and holder of said indebtedness, has requested the undersigned, as substituted trustee, to foreclose said deed of trust.

WHEREAS, I the undersigned substituted trustee, did on Friday, January 13, 1984, at the East front door of the courthouse in the City of Hernando, DeSoto County, Mississippi, within legal hours, to-wit: 1:50 o'clock P. M., proceed to sell the property described in said deed of trust and hereinafter described at public outcry to the highest bidder for cash, having first advertised the sale by posting of notice on the bulletin board at the Courthouse in DeSoto County, Mississippi, for three consecutive weeks or more preceding the sale and caused notice of the time, place and terms of sale to be published on December 22, 1983, December 29, 1983, January 5, 1984, and January 12, 1984, in the "DESOTO TIMES", a weekly newspaper published in the City of Hernando, DeSoto County, Mississippi, and at said time and place the property described in said deed of trust and hereinafter described was offered at public outcry for sale to the highest bidder for cash, there being no competitive bidding, JOHN HANCOCK MUTUAL LIFE INSURANCE COMPANY, a Massachusetts corporation, bid the sum of \$ 837,856.25, which bid was the highest and best bid made for said property and said amount was credited to the indebtedness owing under said deed of trust.

NOW, THEREFORE, THIS INDENTURE WITNESSETH: That grantor, as substituted trustee under the aforesaid deed of trust, in order to carry into effect the sale so made by him, in pursuance of the aforesaid deed of trust and in strict conformity with the statutes, in such cases made and provided, and in consideration of the premises and the sum of \$ 837,856.25, cash in hand paid, the receipt of which is hereby acknowledged by crediting same on said indebtedness, does hereby sell and convey unto JOHN HANCOCK MUTUAL LIFE INSURANCE COMPANY, a Massachusetts corporation, the following described property situated in DeSoto County, Mississippi, to-wit:

Part of Sections 34 and 35, Township 3 South, Range 7 West, and Sections 2, 3, 4, 9, and 10, Township 4 South, Range 7 West, DeSoto County, Mississippi, and more particularly described as follows:

Beginning at the northwest corner of Section 3, said point being the centerline of Getwell Road; thence run the following calls in said Section 3 along the centerline of said road to a point on the west line of said Section 3 and the east line of said Section 4;

South 10° 56' 11" East	138.81 feet
South 06° 57' 33" East	239.41 feet
South 02° 12' 05" West	269.87 feet
South 11° 53' 39" West	77.47 feet
South 20° 10' 56" West	24.47 feet

thence run the following calls in said Section 4 along the centerline of said road to a point on the west line of said Section 3 and east line of said Section 4;

South 20° 10' 56" West	46.10 feet
South 25° 55' 42" West	138.34 feet
South 09° 06' 09" West	100.44 feet
South 06° 00' 16" West	42.28 feet
South 01° 10' 49" West	94.26 feet
South 22° 46' 50" East	303.56 feet

thence run the following calls in said Section 3 along the centerline of said road to a point on the west line of Section 3 and the east line of said Section 4;

South 22° 46' 50" East	132.58 feet
South 24° 02' 05" East	275.00 feet
South 08° 09' 46" East	93.87 feet
South 05° 04' 34" West	267.02 feet
South 18° 00' 44" West	222.17 feet
South 03° 01' 36" East	159.94 feet
South 30° 21' 17" West	117.58 feet

thence run South 01° 35' 09" East a distance of 2646.22 feet along said west line of Section 3 and said east line of Section 4 to the southwest corner of said Section 3; thence run South 89° 31' 03" West along the south line of Section 4 a distance of 2291.74 feet to the northeast corner of the Hammond property; thence run South 01° 35' 13" East a distance of 2661.99 feet along the east line of said Hammond property to U.S. Government Reservation marker number 139; thence run south 89° 20' 00" East a distance of 2335.00 feet along the U.S. Government north line to U.S. Government Reservation Marker number 140; thence run South 00° 50' 00" east a distance of 1410.00 feet along the east line of said government property to a point on the centerline of Coldwater River; thence run in an easterly and northerly direction along the present centerline of Coldwater River to its intersection with the present centerline of Gray's Creek; thence run the following calls along said Gray's Creek centerline to its intersection with the north line of the southeast quarter of Section 34;

North 30° 02' 11" West	263.86 feet
North 56° 30' 25" West	859.39 feet
North 39° 45' 11" West	625.23 feet
North 40° 15' 48" West	350.40 feet
North 46° 54' 52" West	505.14 feet
North 51° 26' 52" West	540.67 feet
North 54° 25' 41" West	623.00 feet
North 67° 02' 25" West	806.15 feet
North 65° 55' 06" West	785.42 feet
North 73° 29' 37" West	321.20 feet

thence North 89° 14' 33" West along said north line of quarter section to the northwest corner of the southeast quarter of said Section 34; thence run South 00° 06' 12" East a distance of 2737.26 feet along the quarter section line to the southwest corner of the southeast quarter of said Section 34; thence run South 89° 20' 32" West a distance of 2634.71 feet along the north line of said Section 3 to the point of beginning and containing 1391 acres, more or less. All bearings are true.

444.  
Subject to the following:

1. Reservation of an undivided one-half interest in oil, gas and minerals by William D. Crenshaw and wife, Barbara Crenshaw, in Book 139, Page 613, and by a Correction Deed in Book 146, Page 399.
2. Oil, gas and mineral leases in Oil & Gas Book 2, Page 562, and Oil & Gas Book 2, Page 582.
3. Perpetual flowage easement to the United States of America in Book 30, Page 534, in connection with Arkabutla Reservior Project, granting right to intermittently flood the land.
4. Reservation of an undivided one-fourth interest in oil, gas and minerals by Ronnie McCullough, Maurice F. Tyler, Jr., and Charles W. McCain in Book 146, page 721.
5. All easements and rights-of-way for existing roads, streets, highways, drainage canals and ditches and all other utilities.

The title to said property is believed to be good, but I sell and convey only such title as is vested in me as such substituted trustee.

WITNESS my signature, this 13th day of January, A.D., 1984.

Frank O. Crosthwait, Jr.  
FRANK O. CROSTHWAIT, JR.,  
Substituted Trustee

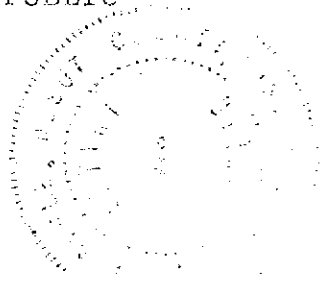
STATE OF MISSISSIPPI  
COUNTY OF DESOTO

Personally appeared before me, the undersigned authority in and for said state and county, the within named FRANK O. CROSTHWAIT, JR., as Substituted Trustee, for John Hancock Mututal Life Insurance Company, a Massachusetts corporation, who acknowledged that he signed and delivered the foregoing instrument of writing for the purposes therein stated on the day and year therein mentioned.

Given under my hand and official seal, this 13<sup>th</sup> day of January, A.D., 1984.

Gaine E. McIngvale  
NOTARY PUBLIC

My Commission expires:  
5/6/86



PROOF OF PUBLICATION

THE STATE OF MISSISSIPPI  
COUNTY OF DESOTO

Personally appeared before me the undersigned authority in and for said County and State, Aritha Farnes who states on oath that 5 he is the Clerk of the DeSoto Times, a newspaper published and printed in the Town of Hernando, State and County aforesaid, and having a general circulation in said county, and that the publication of the notice, a copy of which is hereto attached, has been made in said paper 4 consecutive times, as follows, to-wit:

NOTICE OF SUBSTITUTED TRUSTEE'S SALE  
WHEREAS, on August 19, 1980, D & D JOHNSON, INC., a Mississippi corporation, executed a deed of trust to GENE A. AUSTIN, Trustee for the use and benefit of JOHN HANCOCK MUTUAL LIFE INSURANCE COMPANY, a Massachusetts corporation, to secure an indebtedness therein referred to and conveyed to said trustee the property therein described and hereinafter described as shown by said deed of trust recorded in Deed of Trust Book 252, at page 563, of the records in the office of the Chancery Clerk of DeSoto County, Mississippi; and  
WHEREAS, on November 25, 1981, Joel P. Walker was appointed as Substituted Trustee in the place and stead of the original Trustee, Gene A. Austin under the above Deed of Trust by instrument recorded in the office of the Chancery Clerk of DeSoto County, Mississippi in Book 279, at page 79; and  
WHEREAS, the undersigned FRANK O. CROSTHWAIT, JR., was duly and legally substituted as trustee in said deed of trust in the place and stead of the substituted trustee, JOEL P. WALKER, which substitution instrument is dated March 3, 1983, and recorded in Book 294, page 473, of the records in the office of the Chancery Clerk of DeSoto County, Mississippi, and said substitution filed for record and duly recorded and spread on the records of said Chancery Clerk prior to the date of this Notice of Sale; and  
WHEREAS, the automatic stay of the Bankruptcy Code was lifted by Order dated September 22, 1983, in the United States Bankruptcy Court for the Northern District of Mississippi in Cause No. E83-20975, and Adversary proceeding No. 83-2184, the debtor not having brought current its 1983 past due payment of principal, interest and expenses to JOHN HANCOCK MUTUAL LIFE INSURANCE COMPANY; and  
WHEREAS default has been made in the payment of said indebtedness secured by said deed of trust and the said JOHN HANCOCK MUTUAL LIFE INSURANCE COMPANY, the owner and holder of said indebtedness, has requested the undersigned, as substituted trustee, to foreclose said deed of trust.

- Volume No. 88 on the 22 day of December, 19 83
- Volume No. 88 on the 29 day of December, 19 83
- Volume No. 89 on the 5 day of January, 19 84
- Volume No. 89 on the 12 day of January, 19 84
- Volume No. \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_\_

Aritha Farnes, Clerk  
(Title)

Sworn to and subscribed before me, this the 12<sup>th</sup> day of January, 19 84

By William Patton  
My Commission Expires 1/21/87  
Fees of DeSoto Times, Publisher  
A. Publishing 1 first insertion 1539 words @ .06 92.34  
B. 3 subsequent insertions 1539 words @ .03 43.17  
C. Making proof of publication and depositing to same 51.00  
TOTAL PUBLISHER'S FEE 186.51

40382  
1/21/84

NOW, THEREFORE, I, the undersigned FRANK O. CROSTHWAIT, JR., substituted trustee in said deed of trust will on Friday, January 13, 1984

within legal hours, being between 11:00 o'clock A.M. and 4:00 o'clock P.M., offer for sale and sell at the East front door of the Court House in the City of Hernando, DeSoto County, Mississippi, for cash, at public auction, at the time and in the manner required by law and the said deed of trust, to the highest bidder, the following described property situated in DeSoto County, Mississippi, to-wit:

Part of Sections 34 and 35, Township 3 South, Range 7 West, and Sections 2, 3, 4, 9, and 10, Township 4 South, Range 7 West, DeSoto County, Mississippi, and more particularly described as follows:

Beginning at the northwest corner of Section 3, said point being the centerline of Getwell Road; thence run the following calls in said Section 3 along the centerline of said road to a point on the west line of said Section 3 and the east line of said Section 4;

South 10° 56' 11" East 138.81 feet;

South 06° 57' 33" East 239.41 feet;

South 02° 12' 05" West 269.87 feet;

South 11° 53' 39" West 77.47 feet;

South 20° 10' 56" West 24.47 feet;

Thence run the following calls in said Section 4 along the centerline of said road to a point on the west line of said Section 3 and east line of said Section 4;

South 20° 10' 56" West 46.10 feet;

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South 01° 10' 49" West 94.26 feet;

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thence run the following calls in said Section 3 along the centerline of said road to a point on the west line of Section 3 and the east line of said Section 4;

South 22° 46' 50" East 132.58 feet;

South 24° 02' 05" East 275.00 feet;

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South 05° 04' 34" West 267.02 feet;

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South 30° 21' 17" West 117.58 feet;

Thence run South 01° 35' 09" East a distance of 2646.22 feet along said west line of Section 3 and said east line of Section 4 to the southwest corner of said Section 3; thence run

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south 89° 20' 00" East a distance of 2335.00 feet along the U.S. Government north line to U.S. Government Reservation Marker number 140; thence run

South 00° 50' 00" East a distance of 1410.00 feet along the east line of said government property to a point on the centerline of Coldwater River; thence run in an easterly and northerly direction along the present centerline of Coldwater River to its intersection with the present centerline of Gray's Creek; thence run the following calls along

said Gray's Creek centerline to its intersection with the north line of the southeast quarter of Section 34;

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North 56° 30' 25" West 559.39 feet;

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North 54° 25' 41" West 623.00 feet;

North 67° 02' 25" West 506.15 feet;

North 65° 55' 06" West 785.42 feet;

North 73° 29' 37" West 321.20 feet;

thence North 89° 14' 33" West along said north line of quarter section to the northwest corner of the southeast quarter of said

Section 34; thence run South 00° 06' 12" East a distance of 2737.26

feet along the quarter section line to the southwest corner of the southeast quarter of said Section

34; thence run South 89° 20' 32" West a distance of 2534.71 feet along the north line of said Section 3 to the point of beginning and containing 1391 acres, more or less. All bearings are true.

Subject to the following:

1. Reservation of an undivided one-half interest in oil, gas and minerals by William D. Crenshaw and wife, Barbara Crenshaw, in Book 139, Page 813, and by a Correction Deed in Book 146, Page 399.

2. Oil, gas and mineral leases in Oil & Gas Book 2, Page 562, and Oil & Gas Book 2, Page 532.

3. Perpetual flowage easement to the United States of America in Book 30, Page 534, in connection with Arkabutla Reservoir Project, granting right to intermittently flood the land.

4. Reservation of an undivided one-fourth interest in oil, gas and minerals by Ronnie McCullough, Maurice F. Tyler, Jr., and Charles W. McCain in Book 146, page 721.

5. All easements and rights-of-way for existing roads, streets, highways, drainage canals and ditches and all other utilities.

The title to said property is believed to be good, but I will sell and convey as substituted trustee only.

WITNESS my signature, this 14th day of December, A.D., 1983.

FRANK O. CROSTHWAIT, JR.,  
Substituted Trustee

Posted this 14th day of December, A.D., 1983.

FRANK O. CROSTHWAIT, JR.  
Substituted Trustee

Dec. 22, 29, 1983, Jan. 5, 12, 1984

CERTIFICATE

I, FRANK O. CROSTHWAIT, JR., hereby certify that on the 14th day of December, 1983, I posted the Notice of Substituted Trustee's Sale of the property covered by the Deed of Trust from D & D JOHNSON, INC., a Mississippi corporation, to JOHN HANCOCK MUTUAL LIFE INSURANCE COMPANY, a Massachusetts corporation, dated August 19, 1980, and recorded in the office of the Chancery Clerk of DeSoto County, Mississippi, in Trust Book 262, at page 563, on the bulletin board of the DeSoto County Courthouse in Hernando, Mississippi.

This 13th day of January, 1983.

  
FRANK O. CROSTHWAIT, JR.



IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF MISSISSIPPI  
GREENVILLE DIVISION

IN RE:

D & D JOHNSON, INC.  
DEBTOR

CAUSE NO. E83-20076

JOHN HANCOCK MUTUAL LIFE  
INSURANCE COMPANY

PLAINTIFF

VS.

ADVERSARY PROCEEDING  
NO. 83-2184

D & D JOHNSON, INC.

DEFENDANT

ORDER MODIFYING STAY AND ALLOWING  
DEBTOR TO USE A PORTION OF GOVERNMENT  
PAYMENTS AND BENEFITS FOR 1983 FARM CROPS

This cause came on to be heard this day by the Court on the adversary proceeding filed by John Hancock Mutual Life Insurance Company on its Complaint to Modify Stay and D & D Johnson, Inc.'s Motion to Allow it to Use PIK and RAP to Plant 1983 Farm Crop and the respective parties, John Hancock Mutual Life Insurance Company, plaintiff and D & D Johnson, Inc., Debtor being present by and through their duly designated representatives and their attorneys of record and after conferring between the parties and with the Court, having announced to the Court that an agreement had been reached and the Court having considered and approved the agreement at the request of the respective parties and their attorneys, it is

9-26-83  
FILED  
UNITED STATES BANKRUPTCY COURT  
Northern District of Mississippi  
GREENVILLE, MISSISSIPPI  
CLERK

## ORDERED AND ADJUDGED:

1. That the debtor be and it is hereby directed and ordered to pay to John Hancock Mutual Life Insurance Company, the plaintiff the sum of \$15,000.00 cash from the PIK and RAP government benefits immediately as the benefits are received.

2. That the debtor be and it is hereby authorized and directed to use all of the balance of the PIK and RAP benefits for the 1983 crops of debtor, and plaintiff, John Hancock Mutual Life Insurance Company, is hereby granted a "Super Priority Lien" as provided by the Bankruptcy Code on all of the collateral and 1983 crops of debtor including but not limited thereto all machinery and equipment with said lien to be in an amount not to exceed \$119,000.00, and the debtor is further directed to file a written report with this Court with a copy furnished John Hancock Mutual Life Insurance Company as to the harvesting of the crop, the storing and selling of the crop, which report shall certify that the purchasers are to issue all checks payable to D & D Johnson, Inc., and John Hancock Mutual Life Insurance Company, as the crops are sold.

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3. That the debtor, D & D Johnson, Inc., shall have 120 days from August 9, 1983, in which to complete its 1983 crop and bring current its 1983 past due payment of principal, interest and expenses to plaintiff, John Hancock Mutual Life Insurance Company.

4. That the debtor, D & D Johnson, Inc., be and it is hereby authorized and directed to execute and deliver to plaintiff, John Hancock Mutual Life Insurance Company, the documents necessary to effectuate this Order.

5. In the event the 1983 past due payment of principal, interest and expenses is not timely made as hereinabove set out or the 1984 payment of principal and interest is not timely made by its due date of January 1, 1984, then the automatic stay of the Bankruptcy Code shall immediately lift without further Order of this Court or the necessity of the secured creditor herein, John Hancock Mutual Life Insurance Company, plaintiff being required to apply or file any formal proceedings with this Court.

SO ORDERED AND ADJUDGED this the 29<sup>th</sup> day of September, 1983.

  
UNITED STATES BANKRUPTCY JUDGE

Filed @ 2:20 P.M., January 13, 198 4  
Recorded in Book 168 Page 441  
H. G. Ferguson, Clerk